



2026:AHC-LKO:42257

**HIGH COURT OF JUDICATURE AT ALLAHABAD  
LUCKNOW**

**CRIMINAL MISC. BAIL APPLICATION No. - 4934 of 2026**

Mohammad Shahbaz @ Raju

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Lko.

.....Opposite  
Party(s)

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| Counsel for Applicant(s)      | : | Harpreet Singh, Gaurav Ojha |
| Counsel for Opposite Party(s) | : | G.A.                        |

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**Court No. - 16**

**HON'BLE SHREE PRAKASH SINGH, J.**

Heard learned counsel for the applicant, Shri Anirudh Kumar Singh, learned A.G.A.-I for the State and perused the material placed on record.

Instant bail application has been filed on behalf of the applicant with the prayer to release him on bail during the trial in Case Crime No.148 of 2026, under Section 8/17/18 ( C ) of Narcotic Drugs and Psychotropic Substances Act, P.S.- Ghazipur, District - Lucknow.

As per prosecution version, the contraband substance, i.e. 2.5 K.G. opium is said to be recovered from the possession of the applicant and the same is below than the commercial quantity.

Learned counsel appearing for the applicant submits that the applicant is innocent and has falsely been planted by the police in the instant matter. He next added that 2.20 Kg of opium is said to be recovered from the possession of the present applicant, which is below than the commercial quantity. There is no public eye witness of the alleged recovery. He submits that there is non-compliance of Section 50 of N.D.P.S. Act and in support of his contention, he has placed reliance upon the Judgment of the Apex Court rendered in the case of Arif Khan @ Agha Khan vs. State of Uttarakhand, (2018) 18 SCC 380 wherein it has been held that mandatory procedure of Section 50 of the N.D.P.S. Act has to be complied with in regard to search and recovery. He further added that there is no previous criminal antecedent of the applicant and he is languishing in jail since 03.5.2026. He next submits that in case, the applicant is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

Per contra, learned A.G.A. opposed the prayer of bail and submits that

applicant was involved in committing the aforesaid offence as contraband substance i.e. Opium, has been recovered from his possession and, as such, the applicant is not entitled to be released on bail.

Having heard the learned counsel for the parties and after perusal of record, it is evident that recovered contraband substance, i.e. 2.20 Kg of Opium, which is below than the commercial quantity; there is no independent public eye witness of the alleged recovery; there is non compliance of Section 50 of the NDPS Act; there is no previous criminal history of the applicant and he is languishing in jail since 03.5.2026.

Considering the submissions of learned counsel of both sides, nature of accusation and severity of punishment in case of conviction, nature of supporting evidence, prima facie satisfaction of the Court in support of the charge, reformatory theory of punishment and considering larger mandate of the Article 21 of the Constitution of India and, without expressing any view on the merits of the case, I find it to be a case of bail.

Let the applicant, **Mohammad Shahbaz alias Raju**, involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned, with the following conditions:-

(1) The applicant shall not tamper with the prosecution evidence by intimidating/ pressurizing the witnesses, or otherwise during the investigation or trial;

(2) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. He shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 229-A of the Indian Penal Code;

(3) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C.; and

(4) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, the trial court shall initiate proceedings against him, in accordance with law under Section 174-A of the Indian Penal Code.

The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the court

below shall be at liberty to cancel the bail and send the applicant to prison.

It is clarified that the observations made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the merits of the case.

**June 29, 2026**

mks

**(Shree Prakash Singh,J.)**